

AGENDA – REGULAR MEETING OF CITY COUNCIL – January 26, 2010

1. 7:00 p.m. roll call.
2. Invocation.
3. Pledge of allegiance.
- 3a. Brief performance from the cast of “Joseph and the Amazing Technical Dream Coat” (Harrisonburg High School musical).
4. Comments from the public, limited to five minutes, on matters not on the regular agenda.
5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion).
 - a. Approval of minutes of the previous meeting and dispensing with reading of minutes.
 - b. Consider an ordinance establishing a deer hunting season (archery) within the City limits – Second Reading.
 - c. Consider supplemental appropriation for the Parks and Recreation Department in the amount of \$4,203.58 – Second Reading.
 - d. Consider supplemental appropriation for the Parks and Recreation Department in the amount of \$1,725 – Second Reading.
 - e. Consider supplemental appropriation for the Fire Department in the amount of \$30,470.54 – Second Reading.
 - f. Consider supplemental appropriation for the Police Department in the amount of \$6,088.90 – Second Reading.
 - g. Consider supplemental appropriation for the Police Department in the amount of \$5,653.25 – Second Reading.
6. Public Hearing – Consider request for the Police Department’s application for Edward Byrne Memorial Assistant Grant Funds.
7. Public Hearing – Consider CDBG Funding Priorities
8. Update from Boys & Girls Club
9. Downtown Parking Study Presentation
10. Consider supplemental appropriation in the amount of \$15,000 to the general properties budget “Rawley Springs Improvements” – First Reading.
11. Other Matters:
 - a. Council and Staff

12. Boards and Commissions

- a. Board of Zoning Appeals – Kent Darrah has resigned.
- b. Board of Zoning Appeals – Dr. Elizabeth Swallow has resigned.
- c. Shenandoah Valley Airport Commission – Joe Bowman term will expire on January 28, 2010.

REGULAR MEETING

January 12, 2010

DRAFT

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Chief of Police Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Bucky Berry thanked everyone for the support for the Salvation Army's holiday food drive. He also said that more consideration should have been given before enacting fees for emergency medical service vehicle charges.

Hal Dubois announced that Fine Earth Landscaping of Harrisonburg and the Shenandoah Valley Building Association have selected "*A Dream Come True*" playground for their annual Arbor Day Gift. In preparation for the Arbor Day Ribbon Cutting event on April 30, Fine Earth is planting carefully selected trees and perennials that conform to the playground's unique requirements. Mr. Dubois introduced Barbara Harkins and Anita Burner who first conceived the idea of the playground. He also expressed his appreciation for the tremendous help of Parks and Recreation Director Lee Forester and Assistant Parks and Recreation Director David Wigginton.

John Sites of Earth Tones said that Earth Tones and Fine Earth Landscaping are seeking a suitable site for a privately funded landmark to be called "*The Welcome Home Garden*". This new landmark will extend the community's open arms to all returning veterans.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes as amended and the second reading of a supplemental appropriation for the Police Department. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Assistant City Manager Vass presented for Council's consideration enacting an ordinance establishing a deer hunting season (archery) within the City limits. Mr. Vass presented an overview of the proposed ordinance, which would permit and regulate archery hunting season on private property within the City limits.

At 7:22 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, January 2, and Saturday, January 9, 2010.

**NOTICE OF PUBLIC HEARING ON ENACTING
AN ARCHERY DEER HUNTING
ORDINANCE FOR THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on January 12, 2010 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, to solicit public comments concerning enacting an ordinance for a deer hunting archery season for the City of Harrisonburg.

Copies of the proposed ordinance enacting a deer hunting archery season are available in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P. M.

All persons interested will have an opportunity to express their views at this public hearing.

Any person requiring auxiliary aids, including signers, in connection with this public hearing shall notify the City Manager at least five (5) days prior to the time of the hearing.

CITY OF HARRISONBURG

**Kurt D. Hodgen,
City Manager**

Mayor Degner called on anyone desiring to speak for or against this proposed ordinance.

Danny Flemming proposed that Council enact a 100-yard safety zone around buildings in neighborhood to protect children and animals.

David Proctor, President of Bowhunters of Rockingham County, said the group supports establishing a deer hunting season with archery equipment in the City limits. Hunting with archery equipment is an effective means of controlling deer population.

David Kocka, District Biologist for the Virginia Department of Game and Inland Fisheries, said there has only been one fatality associated with archery hunting in Virginia since the season's establishment in the early 1960's.

Richard Tysinger, a member of the Deer Task Force, said many discussions have been held on whether to establish archery hunting in the City; however, he prefers letting the City's Swat Team sharp shooters remove deer from City land. There being no others desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Frank offered a motion to approve and establish an ordinance to allow and regulate deer hunting season (archery) on private property within the City limits. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens

No - Mayor Degner

Absent – None

City Manager Hodgen presented the 2010-2011 through 2014-2015. Mr. Hodgen said that the Capital Improvement Program allows the City to plan for capital expenditures for a five-year period. He also said that emphasis is always on the first year of the CIP, which affects the upcoming budget. The projects that are listed are ranked from among dozens of projects that are submitted for consideration. It will be difficult for the City to fund projects ranked one and two with the current economic environment. Funding comes through existing budgeted funds, capital accumulated funds for the project, and through grants, loans, and bonds. Mr. Hodgen recommended that the plan be approved as presented.

At 7:51 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, January 2, and Saturday, January 9, 2010.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 12, 2010, at 7:00 p.m. in the City Council Chamber located at 409 South Main Street, to consider the following:

The proposed Capital Improvement Program, for fiscal years 2010-2011 through 2014-2015. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$30,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Kurt D. Hodgen
City Manager

Mayor Degner called on anyone desiring to speak for or against adopting the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt the Capital Improvement Program. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

The next item of business was a presentation on naming Pear Street remnant. City Manager Hodgen said that as part of the current phase of the Stone Spring Road/Erickson Avenue Connector Project, Pear Street is being realigned at its intersection with Erickson Avenue. In doing so, a remnant of the existing Pear Street would remain and would have residential lots fronting along it. When the road project is complete this remnant would no longer be considered a portion of Pear Street; therefore, a new street name is necessary. Planning Commission has suggested four names Constellation Court, Bartlett Court, Kiwi Court, or Comet Court. Council Member Frank offered a motion to name the street Bartlett Court. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update of the progress and accomplishments of HDR. He reviewed two state-wide awards received by Urban Exchange and Taste of Downtown, nine Design Excellence winners, walking tours highlights, and a \$5,000 grant received from the Virginia Tourism Corporation, which will be used to place three Civil War trail markers at Woodbrine Cemetery, Massanutten Regional Library and the Harrisonburg Municipal Building. Mr. Bumbaugh also reviewed projects receiving Façade Enchantment grants, existing and new projects, signage, new restaurants, and expanding businesses.

Nancy Garber, owner of David B. Garber Jewelers, who has retired was recognized for being in business over 50 years in the downtown area.

Jessica Chase, Manager/Downtown Parking Services for HDR, reviewed information regarding events that occurred during the last several months and upcoming events, including a celebration and reception, and Temptations at the Theater. The department has created new hang tags in-house to save some City money. The Parking Study will be presented to City Council on January 26th.

The next item of business was approval of a Cafeteria Plan resolution. City Manager Hodgen said that the City currently allows employees to participate in a "cafeteria plan" as part of its overall benefits program. For a number of years the plan has specified an open enrollment period of 60 days; however, a resolution was never adopted by Council endorsing the change. Council Member Byrd offered a motion to adopt the Cafeteria Plan Resolution as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

**RESOLUTION OF THE CITY COUNCIL
FOR THE AMENDMENT OF
CITY OF HARRISONBURG
CAFETERIA PLAN**

On this date, the City Council of the CITY OF HARRISONBURG did meet to discuss the Amendment of the CITY OF HARRISONBURG CAFETERIA PLAN to be effective with the open enrollment period for the plan year beginning July 1st, 2009. Let it be known that the following resolutions were duly adopted by the City Council of the CITY OF HARRISONBURG and that such resolutions have not been modified or rescinded as of the date hereof;

RESOLVED, that there will be an open enrollment period of 60 days prior to the beginning of each plan year for Health and Dental Insurance. This 60 day period for open enrollment is established by the City. Open enrollment for the Flexible Spending Accounts will begin on the date established by the City for Health and Dental Insurance and will end on the date established by the City but in no case less than the 60 day period.

RESOLVED, that the Employer shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document and shall notify the Plan Administrator to which periods said contributions shall be applied.

RESOLVED, that the proper officers of the Employer shall act as soon as possible to notify employees of the amendment of the Cafeteria Plan by delivering to each Employee a copy of the Summary Plan Description presented to this meeting, which form is hereby approved.

The undersigned certifies that attached hereto as Exhibits A and B respectively are true copies of the Plan Document, and Summary Plan Description for CITY OF HARRISONBURG CAFETERIA PLAN approved and adopted in the foregoing resolutions.

The undersigned further certifies and attests that the above resolutions were made with the consent of the full City Council of the City of Harrisonburg, each of whom were in attendance on this date:

Date

Mayor

Attest:

Clerk of Council

City Manager Hodgen said the CDBG Review Committee has met and recommended that the City continue to receive and consider applications from public service agencies for block grant funding. The City is restricted to 15% of the total allocation. It was noted that City Council will make the final decision on how block grant funds are spent, within certain parameters and specific categories that are established by the Federal Department of Housing and Urban Development.

City Attorney Thumma said the City has advertised and received bids for the construction of Stone Spring Road/Erickson Avenue, Phase II. There were seven bids received ranging from \$21,238,035.35 to \$24,119,201.55. However, the Department of Public Works after reviewing the apparent low bid, determined there were unbalanced unit prices, which led to an irregular bid because of other discrepancies within the plan and contract documents. The Virginia Department of Transportation (VDOT) has advised the City to reject all bids received, review and revise the contract documents and plans, re-submit to VDOT for review and approval again, and re-advertise the contract for bid. It is anticipated that the process will take between four and six months. Vice-Mayor Baugh offered a motion to approve the resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens

Mayor Degner

Absent – None

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA REJECTING ALL BIDS RECEIVED FOR THE CONSTRUCTION OF
STONE SPRING ROAD/ERICKSON AVENUE, PHASE II, IN THE CITY OF
HARRISONBURG**

WHEREAS, the Department of Public Works for the City of Harrisonburg advertised and received bids for the construction of Stone Spring Road/Erickson Avenue, Phase II, which bids were opened on December 17, 2009 at 2:00 PM; and

WHEREAS, there were seven (7) bids received ranging from \$21,238,035.35 to \$24,119,201.55; and

WHEREAS, the Department of Public Works for the City of Harrisonburg after reviewing the apparent low bid, determined that there were unbalanced unit prices, which led to an irregular bid, and further that there are other discrepancies with the plans and the contract documents; and

WHEREAS, the Department of Public Works recommends that all bids be rejected and upon correcting the discrepancies in the plans and the contract documents, that the plans be resubmitted to the Virginia Department of Transportation (VDOT) and to the Federal Highway Administration FHWA for review and approval after which the City will re-advertise the contract for bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

Based on the review of the bids received for the Stone Spring Road/Erickson Avenue, Phase II, by the City of Harrisonburg Department of Public Works and based on the Department's recommendation, all bids received on December 17, 2009 are hereby rejected, due to unbalanced unit prices which led to an irregular bid, along with other discrepancies with the plans and contract documents. The City Council deems it is in the best interests of the City and its citizens to correct the discrepancies in the plans and contract documents resubmit the plans to VDOT and FHWA for review and approval and re-advertise the contract for bid.

Approved: January 12, 2010.

MAYOR

ATTEST:

CITY CLERK

City Manager Hodgen said that Harrisonburg is now a member of the Virginia First Cities organization. The organization is a coalition of cities that promotes legislative policies for the benefit of its members. As a member of Virginia First Cities, Harrisonburg is allowed two members on the Board of Directors. One Director must be the City Manager, the other a member of City Council. Council Member Wiens offered a motion to appoint Council Member Ted Byrd as City Council representative to Virginia First Cities Board of Directors joining City Manager Hodgen. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

The next item of business was approval of "Memorandum of Understanding for Technical Energy & Water Savings Audit". Public Works Department Planner Thanh Dang said that the City will receive \$206,200 in grant funding for energy efficiency improvements and is working with Linc Services, LLC. Linc proposes to conduct a Technical Energy & Water Savings Audit of four (4) city buildings. The work is associated with the City's receipt of an Energy Efficiency and Conservation Block Grant through the ARRA. Staff has selected four facilities for improvements: Municipal Building, Public Works, Public Safety, and Community Activities Center. The City has no payment obligations at the time of execution of the MOU, but in the event that Linc Services presents an Audit report that meets the City's terms and the City decides not to proceed with the implementation phase (entering into an Energy Performance Contract) then the City will pay Linc Services, LLC \$12,000 for the audit. An overview of the proposal was presented. Following further discussion and comments, Council Member Byrd offered a motion to authorize the City Manager to sign a "Memorandum of Understanding for Technical Energy & Water Savings Audit" with Linc Services. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds will be used for First TEE projects. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$2,101.79 chge. to: 1000-31010 Amount from fund balance
2,101.79 chge. to: 1310-34210 Transfer from General Fund

\$2,101.79 approp. to: 1000-990111-49216 Transfer to capital projects
2,101.79 approp. to: 1310-910141-48720 First TEE Building

The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. These donated funds were received by Chipotle's Mexican Grill and will be used to purchase a flat screen message board for the activity center. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,725.00 chge. to: 1000-31809 Donations

\$1,725.00 approp. to: 1000-710471-46130 Recreational Supplies

The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Deputy Fire Chief Ian Bennett presented a request for a supplemental appropriation for the Fire Department. These funds were received from donations and grants and will be used for programs within the department. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-32545 VFIRS Grant

5,000.00 chge. to: 1000-31010 Amount from fund balance

7,024.00 chge. to: 1000-32512 Fire Programs Fund

17,446.54 chge. to: 1000-31809 Donation

\$1,000.00 approp. to: 1000-320232-48272 Hardware

5,000.00 approp. to: 1000-350532-46155 Four for Life

7,024.00 approp. to: 1000-320232-48113 Fire Programs Fund

17,446.54 approp. to: 1000-320232-43350 Repair & Maint. Auto Equip.

The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed by the Cops Meth program for overtime. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$6,088.90 chge. to: 1000-33555 Cops. Meth. Grant

\$6,088.90 approp. to: 1000-310531-41020 Salaries/wages OT

The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed through a DMV grant for overtime and travel. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$5,653.25 chge. to: 1000-33524 Federal DMV grant

\$ 297.20 approp. to: 1000-310631-45530 Training and travel

532.46 approp. to: 1000-310631-41020 Salaries/wages OT

4,823.59 approp. to: 1000-310231-41020 Salaries/wages OT

The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh

Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Council Member Frank offered a motion to recommend Robert L. Hansbrough (for a three-year term) to the Circuit Court for appointment to the Board of Equalization. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

At 9:50 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion concerning a prospective business where no previous announcement has been made of the business' interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens
Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Mayor Degner

Absent – None

At 10:27 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 10:28 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Public Library

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	Item: Consider an ordinance establishing a deer hunting season (archery) within the City limits – Second Reading.
Reviewed: <input checked="" type="checkbox"/> Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	Review: The proposed ordinance (attached) would permit and regulate a deer archery hunting season on private property within the city limits.
Recommend: YES: <input type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.10	Attachments: 1. Ordinance

ORDINANCE ENACTING SECTION 16-6-42
OF THE
HARRISONBURG CITY CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That Section 16-6-42 be enacted as follows:

Section 16-6-42. Archery season to hunt deer.

(a) The Regulations of the Commonwealth of Virginia Department of Game and Inland Fisheries pertaining to hunting deer by bow and arrow, as they may be amended from time to time and/or from year to year, are hereby adopted, subject to the following rules, regulations, specification and limitations:

(1) *Geographic areas.* The discharge of archery equipment for the taking of deer inside the city boundaries may occur on parcels of private property with the written permission from the property owner, subject to the requirements and regulations and other state hunting laws. At all times while hunting under this section, all hunters shall have on their person, the applicable Virginia licenses and the written permission of the landowner. The discharge of archery equipment shall not occur on city property, school property or church property.

(2) *Elevated stands.* The discharge of archery equipment for the taking of deer shall be from stands elevated not less than ten (10) feet above the level of surrounding land. Otherwise, the discharge of archery equipment shall be prohibited.

(3) *Proximity to structures and streets.* No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway or public land or public place within the city limits or toward any building or dwelling in such a manner that an arrow may strike it.

(4) *Firearms.* Firearms of any type, caliber or description, shall not be used or carried during deer hunting.

(b) It is the intent of this ordinance to permit the taking of deer with archery equipment during the Early Special Archery Season, the Full General Firearms Deer Season and the Late Special Archery Season, as designated in the regulations promulgated by the Virginia Department of Game and Inland Fisheries.

(c) No pursuit of an injured or wounded deer shall be permitted upon the land of neighboring landowners unless the hunter has first obtained permission from that landowner. No field dressing of deer shall be permitted without the permission of the landowner. A hunter with permission to hunt or to enter property must remove all deer harvested from the property.

(d) All persons violating this section shall be guilty of a Class 1 misdemeanor.

(e) Except as otherwise specifically provided by this ordinance, the prohibitions contained in Section 16-6-41 of this Code, as amended, shall remain in full force and effect.

This ordinance shall be effective from the date of its passage.

ADOPTED AND APPROVED this ____ day of _____, 2010.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Parks & Rec.	Item: Consider supplemental appropriation for the Parks and Recreation Department in the amount of \$4,203.58 – Second Reading.
Reviewed: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	Review: This is an accounting procedure to move the interest realized on the funds held by the City for the First Tee Building construction project from fund balance to the First Tee capital projects fund.
Recommend: YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.131	Attachments: 1. Supplemental Appropriation form.

CITY OF HARRISONBURG, VIRGINIA
REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS
For Fiscal Year Ended June 30, 2010

From:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31010	Amount from fund balance	2,101.79
1310	34210	Transfer from General Fund	2,101.79
Total			<u>4,203.58</u>

To:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	990111-49216	Transfer to capital projects	2,101.79
1310	910141-48720	First TEE Building	2,101.79
Total			<u>4,203.58</u>

Reason: To increase the budget for cash held in the General Fund that represents interest that was allocated to the First TEE program. See account code 1000-01105.

Requested by :


Head of Department

12/16/09
Date

Funds Available:


Director of Finance

12/16/09
Date

Recommended & Approved :


City Manager

12/17/09
Date

City Council Approval:

1-12-10
(1st reading)

City Council Approval:

(2nd reading)

FINANCE DEPARTMENT'S POSTING

NAME

DATE

JV #

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Parks & Rec.	Item: Consider supplemental appropriation for the Parks and Recreation Department in the amount of \$1,725 – Second Reading.
Reviewed: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	Review: This request is to move funds from a donation by Chipotle's Mexican Grill to the Activities Center budget for purchase of a flat screen message board.
Recommend: YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.1431	Attachments: 1. Supplemental Appropriation form.

CITY OF HARRISONBURG, VIRGINIA
REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS
For Fiscal Year Ending June 30, 2010

From:


FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31809	Donations	\$1,725.00

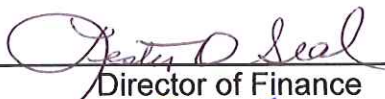
To:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	710471-46130	Recreational Supplies	\$1,725.00

Reason:

Purchase of flat screen message board for the
Cecil F. Gilkerson Community Activities Center.

Requested by :  1/6/10
Head of Department Date

Funds Available :  1/6/10
Director of Finance Date

Recommended & Approved :  1/12/10
City Manager Date

City Council Approval: 1-12-10
(1st reading)

City Council Approval: _____
(2nd reading)

FINANCE DEPARTMENT'S POSTING

NAME	DATE	JV #
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AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Fire	Item: Consider supplemental appropriation for the Fire Department in the amount of \$30,470.54 – Second Reading.
Reviewed: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	Review: These appropriated funds are for donations and grants.
Recommend: YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.1456	Attachments: 1. Supplemental Appropriation form.

CITY OF HARRISONBURG

REQUEST FOR SUPPLEMENTAL APPROPRIATION

~~REQUEST FOR RE-ALLOCATION OF PRESENT BUDGET ESTIMATES~~For Fiscal Year Ending June 30, 2010

From:

FUND	CODE #	ACCOUNT DESCRIPTION	AMOUNT
1000	32545	VFIRS Grant	\$ 1,000.00
1000	34010	Amount from Fund Balance	5,000.00
1000	32512	Fire Programs Fund	7,024.00
1000	31809	Donation	17,446.54
Total			\$30,470.54

FUND	CODE #	ACCOUNT DESCRIPTION	AMOUNT
1000	320232-48272	Hardware	\$ 1,000.00
1000	350532-46155	Four for Life	5,000.00
1000	320232-48113	Fire Programs Fund	7,024.00
1000	320232-43350 10fire1	Repair & Maint. Auto Equip.	17,446.54
Total			\$ 30,470.54

Reason: Appropriate funds for donations and grants received by department.

Requested By: Larry W. Shifflett 1-4-10
 Department Head Date

Funds Available: John O. Deal 1/5/10
 Director of Finance Date

Recommended and Approved Ed A. Heger 1/5/10
 City Manager Date

City Council Approval: 1-12-10 and _____
 First Reading Second Reading

Finance Department: Posted by: _____ Date: _____ JV # _____

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Police	Item: Consider supplemental appropriation for the Police Department in the amount of \$6,088.90 – Second Reading.
Reviewed: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	Review: These funds were reimbursed for overtime by the Cops Meth program.
Recommend: YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.130	Attachments: 1. Supplemental Appropriation form.

CITY OF HARRISONBURG, VIRGINIA
REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS
For Fiscal Year Ended June 30, 2010

From:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31010 33555	Amount from Fund Balance (10003555 Cops Meth. Grant)	\$6,088.90

To:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	310531-41020	Salaries/Wages OT	\$6,088.90

Reason: To replace funds reimbursed for overtime for
Cops Meth Grant 2006-CK-WX-0492)

Requested by : Mary M. Wilgus 12-10-09
Head of Department Date

Funds Available : Justin O. Seal 12/15/09
Director of Finance Date

Recommended & Approved : Kit D. Hodges 12/17/09
City Manager Date

City Council Approval: 1-12-10
(1st reading)

City Council Approval: _____
(2nd reading)

FINANCE DEPARTMENT'S POSTING

NAME

DATE

JV #

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Police	Item: Consider supplemental appropriation for the Police Department in the amount of \$5,653.25 – Second Reading.
Reviewed: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	Review: These funds were reimbursed through a DMV grant for overtime and travel.
Recommend: YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.133	Attachments: 1. Supplemental Appropriation form.

CITY OF HARRISONBURG, VIRGINIA
REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS
For Fiscal Year Ended June 30, 2010


From:


FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31010	Amount from Fund Balance	\$5,653.25
1000	33524	Federal DMV Grant	

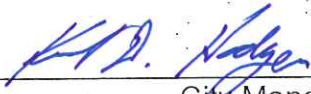
To:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	310631-45530	Training and Travel	297.20
1000	310631-41020	Salaries/Wages OT	532.46
1000	310231-41020	Salaries/Wages OT	4,823.59
			5,653.25

Reason: To recover money spent on overtime and training through
DMV grant 154AL-2009-59208-3511.

Requested by :  12-22-09
Head of Department Date

Funds Available :  12/28/09
Director of Finance Date

Recommended & Approved :  1/5/10
City Manager Date

City Council Approval: 1-12-10
(1st reading)

City Council Approval: _____
(2nd reading)

FINANCE DEPARTMENT'S POSTING


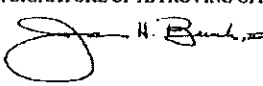
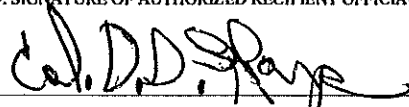
NAME

DATE

JV #

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Police	Item: Public Hearing – Consider request for the Police Department’s application for Edward Byrne Memorial Assistance Grant Funds.
Reviewed: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Police	Review: A public hearing regarding the Harrisonburg Police Department’s application for Edward Byrne Memorial Assistance Grant funds, (Application number 2009-DJ-BX-1109) Law Enforcement Program requesting equipment. These funds in the amount of \$23,808 will be used to purchase equipment for the department.
Recommend: YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.555	Attachments: 1. Grant information

 Department of Justice Office of Justice Programs Bureau of Justice Assistance		Grant		PAGE 1 OF 5
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Harrisonburg 345 South Main Street Harrisonburg, VA 22801-3606		4. AWARD NUMBER: 2009-DJ-BX-1108		
		5. PROJECT PERIOD: FROM 10/01/2008 TO 09/30/2012 BUDGET PERIOD: FROM 10/01/2008 TO 09/30/2012		
		6. AWARD DATE 09/09/2009	7. ACTION	
1A. GRANTEE IRS/VENDOR NO. 546001341		8. SUPPLEMENT NUMBER		Initial
		00		
3. PROJECT TITLE FY 2009 Justice Assistance Grant Program		9. PREVIOUS AWARD AMOUNT \$ 0		
		10. AMOUNT OF THIS AWARD \$ 23,808		
		11. TOTAL AWARD \$ 23,808		
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).				
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3751(a) (BJA - JAG Formula)				
15. METHOD OF PAYMENT PAPRS				
AGENCY APPROVAL		GRANTEE ACCEPTANCE		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL James H. Burch II Acting Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Donald G. Harper Chief of Police		
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 		19A. DATE 9-23-09
AGENCY USE ONLY				
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 23808		21. IDJUGT4662		

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	Item: Public Hearing to Consider CDBG Funding Priorities
Recommend: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	Review: This will be the first of two Public Hearings required by HUD to receive citizen comments on Community Development Block Grant funding priorities for the 2010-2011 Program Year. Entitlement amount will most likely be approximately than \$539,947. Staff will make a short presentation outlining City Needs & Objectives as outlined in the CDBG Strategic Plan, to be followed by a Public Hearing. There is no action needed on this item at this time.
Reviewed: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.1000	Attachments: 1. Public Hearing Notice 2. Tentative Schedule for 2010-2011 CDBG Application Process.



PUBLIC HEARING NOTICE & REQUEST FOR PROPOSALS CITY OF HARRISONBURG COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, January 26, 2010 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding funding priorities for the Community Development Block Grant (CDBG) Program. Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. Citizen participation and comments on funding needs and priorities will assist the City in the development of the City's 2010-2011 Action Plan. The Action Plan serves as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs.

All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact the City at least three working days in advance of the meeting.

REQUEST FOR PROPOSALS - The City of Harrisonburg is requesting proposals from non-profit organizations, for-profit businesses and organizations, and government agencies for the 2010-2011 CDBG Program. The City's CDBG Program is funded by an annual entitlement from HUD. The entitlement amount for FY 10-11 has not yet been announced by HUD, but will likely be approximately \$539,947. Projects must meet all local and federal eligibility requirements, and eligible projects must meet one of HUD's three national objectives: 1) Low and Moderate Income Benefit, 2) Elimination of Slum and Blight, or 3) Urgent Need. Furthermore, eligible projects must address at least one of the objectives identified in the City's Consolidated Plan. City objectives include funding projects related to health care and dental services, housing, child care, transportation, sidewalks and pedestrian infrastructure, employment services and job creation/retention, homeless services, recreational services, services for the disabled, parks & playgrounds, and more! Specific objectives, eligibility requirements, and the Consolidated Plan (including a listing of projects funded in previous years) are available on the City website or in the City Manager's Office.

All parties interested in applying for funding through this Program are *strongly* encouraged to attend the Public Hearing outlined above AND to contact Ande Banks prior to submitting an application, to ensure that the proposed project is eligible. The 2010-2011 CDBG Application package is available on the City website at www.harrisonburgva.gov. Applications are due no later than 5:00 pm on Wednesday, February 17, 2010. Late applications will not be accepted.

Please contact Ande Banks at ande.banks@harrisonburgva.gov, or 540-432-8923 with questions. Written comments may also be mailed to Ande Banks, Director of Special Projects and Grants Management, 345 South Main Street, Harrisonburg, VA 22801.

TENTATIVE Schedule for 2010-2011 CDBG Program

January 19, 2010	Advertise RFP in DNR & on website for grant proposals.
January 26, 2010	Council Meeting/Public Hearing #1 (get input regarding what types of projects should be funded, what need is, explain purpose of grant and answer questions) – 7:00 PM
February 17, 2010	Grant Application Deadline – receipt by 5:00 PM
March 4, 2010	Selection Committee Meeting, Consideration of Proposals, & Development of Action Plan
March 23, 2010	Council Meeting/Public Hearing #2 (present budget, 2010 Action Plan to Council & Public & open 30 day Public Comment Period – 7:00 PM
April 23, 2010	All public comments must be received by 5:00 PM on April 23, 2010 to be considered.
May 11, 2010	Council Meeting/Council Final Approval of 2010 CDBG Budget/Action Plan (Council to consider approval of budget/Annual Action Plan)*
May 15, 2010	Annual Action Plan due to HUD
June 2010	HUD Approval of 2010 CDBG Action Plan

Funding of specific projects is not final until approved by HUD.

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other Boys & Girls Club	Item: Update from Boys & Girls Club
Reviewed: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	Review: Todd Bale, Executive Director, will update council on what has been happening at the club and teen center program-wise over the previous months.
Recommend: YES: <input type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.6	Attachments:

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Econ. Dev., HDR	Item: Downtown Parking Study Presentation
Reviewed: <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	Review: The final report of the Downtown Parking Study will be presented by John Edwards. The City contracted with Mr. Edwards to survey the current parking resources within the downtown area and provide a report on the current and future need for additional resources. The survey process began in October with oversight by an advisory committee made up of downtown business owners and public officials. The principal data was acquired from a specific survey area incorporating public and private parking spaces and their utilization through the course of a business day. The final report represents the culmination of this process and provides Mr. Edwards' conclusions and recommendations. A copy of the report will be available on Friday, January 22 and will be forwarded to Council members at that time.
Recommend: YES: <input type="checkbox"/> NO: <input type="checkbox"/> <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other Public Works	
Jan26.15.	Attachments:

AGENDA ITEM ACTION REQUEST

	Meeting Date: January 26, 2010 Meeting Type: Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
Requestor: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	Item: Consider supplemental appropriation in the amount of \$15,000 to the general properties budget "Rawley Springs Improvements" – First Reading
Reviewed: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Finance	Review: A portion of revenue generated from the sale of timber on the City owned property near Rawley Springs will be utilized to develop a recreation plan through JMU and to install gates as well as other barricades to prevent unauthorized vehicle access.
Recommend: YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/> <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	
Jan26.222	Attachments: 1. Supplemental appropriation form

CITY OF HARRISONBURG, VIRGINIA
REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS
For Fiscal Year Ended June 30, 2010

From:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31908	Sale of Timber	15,000.00
Total			<u>15,000.00</u>

To:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	430221-4823	Recreation Plan JMU	11,339.00
1000	430221-4823	Gates Manu. & Install	3,661.00
Total			<u>15,000.00</u>

Reason: To develop a recreation plan to guide future land use of the property and to provide funding for the manufacture and installation of two gates at common access point on the property.

Requested by :




Head of Department

1-19-10

Date

Funds Available:



Director of Finance

1/19/10

Date

Recommended & Approved :



City Manager

1/19/10

Date

City Council Approval:

(1st reading)

City Council Approval:

(2nd reading)

FINANCE DEPARTMENT'S POSTING

NAME

DATE

JV #